

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
John C. Harvey and James W. Cuddihy:

Serial No.: 08/459,788

Filed: June 2, 1995

Group Art Unit: 2744

Examiner: CUMMING, W.

Atty Dkt: 05634.0243

Received
For: SIGNAL PROCESSING APPARATUS AND
METHODS
DEC 28 1998
Group 2700

Received
DEC 28 1998
Group 2700

SUBMISSION UNDER 37 C.F.R. 1.129(a)

BOX: AFTER FINAL

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants request that the finality of the final rejection dated December 28, 1997 be withdrawn in view of this timely filed first submission under 37 C.F.R. § 1.129(a). Our Check No. 302994 is enclosed for payment of the fee set forth in 37 C.F.R. § 1.17(r). The present application has an effective pendency of at least two years as of June 8, 1995, taking into account any reference of record to any earlier filed application under 35 U.S.C. § 120, 121 and 365(c). This petition and the fee set forth in § 1.17(r) are being filed prior to the filing of an appeal brief and prior to abandonment of the application. Applicants therefore respectfully request that the amendment and request for reconsideration previously filed be entered.

Applicants respectfully request a four-month extension of time in which to respond to the Final Office Action mailed December 28, 1997, for which a response period expiring on March 28, 1998 was set. The extended period expires on December 28, 1998.

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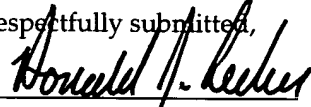
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However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 08-3038.

Date: December 28, 1998
HOWREY & SIMON
1299 Pennsylvania Avenue, NW
Washington, D.C. 20004

Respectfully submitted,


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